

REMARKS

The Office Action mailed December 11, 2008 has been reviewed carefully and the following arguments are presented in a sincere effort to place the application in condition for allowance. Accordingly, reconsideration of the rejection of the claims and allowance of the same, are respectfully requested on the basis of the following remarks.

Upon entry of this amendment claims 1, 5-23, 26-31, 40, 43-52, and 55-57 will be pending in the application. New claim 70 has been added to the application. Support for new claim 70 can be found in the Examples and in paragraph [0052] as filed. Accordingly, no issue of new matter is presented.

Double Patenting rejection

The Applicants submit that the claims of the present invention are patentability distinct from claims 1-16 of U.S. Pat. No. 5,992,475 (hereinafter, "Barancyk"). The Examiner has conceded that Barancyk does not disclose that the composition described therein comprises a donor monomer selected from isobutylene, diisobutylene, dipentene, and isoprenol. See page 4 of the Office Action. Accordingly, the Examiner relies on U.S. Pat. No. 6,306,965 (hereinafter, "Anderson") to disclose this feature. See page 4 of the Office Action.

The Applicants, however, submit that one skilled in the art would not be motivated to combine the references as set forth by the Examiner. Anderson is clear in that a polymer prepared by standard radical polymerization techniques will result in a copolymer wherein the carbamate functional groups are located randomly along the polymer chain. See column 2, lines 1-8. Moreover, Anderson further describes the problems associated with standard radical polymerization techniques and states the benefit of utilizing ATRP in the formation of the polymers disclosed therein. See column 2, lines 1-52. Barancyk, on the other hand, discloses the polymerization of an acrylic copolymer not through the use of ATRP but through conventional radical polymerization techniques. See Example B, column 11, line 5, through column 12, line 4.

In light of the fact that Anderson clearly discloses the benefits of ATRP over the standard polymerization techniques described in Barancyk, the Applicants submit that Anderson clearly teaches away from what is taught in Barancyk. Therefore, the Applicants respectfully submit that one skilled in the art would not combine the two references as set forth by the Examiner. Accordingly, the Applicants submit that the claims of the present invention are not obviousness and that the double patenting

rejection is improper. The Applicants, therefore, respectfully request that the rejection of these claims under non-statutory obviousness-type double patenting be withdrawn and the claims allowed in their current state.

Rejection of claims 1, 5-23, 26-31, 40, 43-52, and 55-57 35 U.S.C. 102(b)

The Examiner has rejected claims 1, 5-23, 26-31, 40, 43-52, and 55-57 under 35 U.S.C. 102(b) for allegedly being anticipated by Barancyk.

The rejection of these claims under 35 U.S.C. 102(b) is wholly improper. The Examiner has already conceded that Barancyk does not disclose every feature that is recited in claims 1 and 40. Accordingly, the Applicants request that the rejection of these claims, and the claims that depend directly or indirectly therefrom, be withdrawn and the claims allowed in their current state.

Rejection of claims 1, 5-23, 26-31, 40, 43-52, and 55-57 35 U.S.C. 103(a)

The Examiner has rejected claims 1, 5-23, 26-31, 40, 43-52, and 55-57 under 35 U.S.C. 103(a) for allegedly being unpatentable over Barancyk in view of Anderson.

For the reasons stated above in connection with the Double Patenting rejection, the Applicants submit that these claims are patentable over the cited references.

New Claim 70

New claim 70 recites: that there is an excess of donor monomer to acceptor monomer. The cited references, alone or in combination, do not disclose the features recited in claim 70. Accordingly, the Applicants submit that this claim is in condition for allowance.

Conclusion

In light of the foregoing arguments, it is submitted that claims 1, 5-23, 26-31, 40, 43-52, and 55-57 are in proper form for issuance of a Notice of Allowance and such action is respectfully requested at an early date.

Respectfully submitted,



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